



THE CITY OF NEW YORK
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December 22, 2016

VIA FACSIMILE & ECF @ 718-613-2365

Honorable Cheryl L. Pollak
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Ashley Painson, et al. v. City of New York, et al.,
14-CV-2788 (ENV) (CLP)

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants City of New York, Officer Jared Delaney, Officer Steeve Gaudin, Officer William Mansour, Officer Justin Moore, Officer Michael Ortiz, Officer Travis Tennant, Officer Yuhua Zhang, Sergeant Andrew Chance, and Sergeant Alan Myrthil in the above-referenced action. Defendants write in response to the Court's Order at the December 20, 2016 conference directing defendants to submit a status letter regarding settlement negotiations and, specifically, as to whether defendants accept the Court's recommendation pertaining to plaintiff Ashley Painson.

Defendants write to respectfully inform the Court that they accept the Court's settlement recommendation for Ashley Painson on the condition that the parties resolve both Ashley Painson and Diego Mercado's claims in this case by way of settlement. The parties have not yet reached an agreement with respect to Mr. Mercado's claims and plaintiff's counsel today traveled out of the country and will return in approximately two weeks. As such, upon information and belief, plaintiff's counsel will have limited access to communicate with this defense counsel and Mr. Mercado. For the foregoing reason, defendants respectfully request additional time, until January 23, 2016, to conduct settlement negotiations with plaintiff's counsel upon his return and that they be allowed to submit a status report regarding settlement negotiations by January 23, 2016.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Gary Moy
Senior Counsel

cc: Ugochukwu Uzoh, Esq. (via ECF)